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Charles L.A. Terreni, Esquire
Chief Clerk/Administrator
Public Service Commission of South Carolina
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Columbia, South Carolina 29210

2005 354-A

RE: Revisions to Article 8 of the Commission's Regulations

Dear Mr. Terreni:

The Office of Regulatory Staff ("ORS") submits the following comments regarding the proposed revisions to Rules 103-800, et seq.:

- (1) Page 7, Reg. 103-804 (E) – ORS requests clarification of the phrase "all staff memoranda or data submitted to the hearing officer or members of the Commission in consideration of a proceeding."
- (2) Page 9, Reg. 103-804 (R) – ORS suggests that the words "oral or" be stricken from the last line and that the last word in the definition, "staff," be changed to "Office of Regulatory Staff." Following these proposed changes the definition would read, "The general process of the Commission's determination of the relevant facts and the applicable law, the consideration thereof and the action thereupon in regard to a particular subject matter within the Commission's jurisdiction, initiated by the filing of an appropriate pleading or issuance of a Commission order or rule to show cause or by the receipt of written communication by the Office of Regulatory Staff."
- (3) Page 13, Reg. 103-811 – ORS suggests adding the following sentence after the second full sentence of the second paragraph: "Thereafter, members representing the second, fourth, and sixth congressional districts must be elected to terms of four years and until their successors are elected and qualify."
- (4) Page 18, (old Reg. 103-820) newly designated Reg. 103-817(C)(1) – To maintain consistency within the regulations, the word "formal" in the first line should be deleted. The line would then read, "All pleadings initiating proceedings shall be dated upon receipt and shall be assigned ..."
- (5) Under Subarticle 5, ORS requests that the Commission promulgate a regulation allowing parties to serve "Requests for Production of Documents and Things" and that the time for responses for these requests to produce be the same as the response time for written interrogatories. The former use of "Data Requests" encompassed written interrogatories and requests to produce, and therefore, ORS

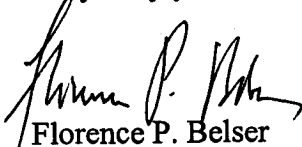
requests that there be a specific provision for "Requests for Production of Documents and Things."

- (6) Page 32, (old Reg. 103-866) newly designated Reg. 103-842 (C)(4) – "Commission Staff" should be changed to reflect "Office of Regulatory Staff."
- (7) Page 35, (old Reg. 103-875) newly designated Reg. 103-851 (C)(3) – The spelling of the word "therefore" at the end of the sentence should be corrected and should read "therefore."
- (8) Pages 38-39, (old Reg. 103-886) newly designated Reg. 103-859 – ORS suggests that the "Commission Staff" be removed from this regulation. If ORS determines that a utility is preparing to disconnect service to a customer in violation of the Commission's Rules and Regulations or if ORS determines that a utility has disconnected service to a customer in violation of the Commission's regulations, ORS will proceed under the Emergency Procedures regulation to seek relief from the Commission. ORS questions how the Commission Staff would receive information concerning a threatened disconnection or disconnection in order to report such action to the Commission.

ORS appreciates the opportunity to provide comments to the Commission concerning the proposed changes to Article 8 of the Commission's regulations. Further, ORS looks forward to participating in any workshop or proceeding concerning these proposed changes. While ORS has provided comment to the above-listed proposed regulations, ORS reserves the right to comment on other regulations in the context of any proceeding or workshop scheduled to address these proposed regulations.

By copy of this letter, ORS provides these comments to the parties which submitted comments on Commission's regulations at the workshop held November 29, 2004. ORS provides the original and fifteen (15) copies of these comments for use by the Commission and its staff. Please date stamp a copy of this letter and return with the courier.

Very truly yours,


Florence P. Belser
General Counsel

cc: Len S. Anthony, Esquire (Progress Energy)
Scott Elliott, Esquire (Sprint)
Margaret M. Fox, Esquire (South Carolina Telephone Association)
Lara S. Nichols (Duke Power)
Patrick W. Turner, Esquire (BellSouth)
Richard L. Whitt, Esquire (Duke Power)